(G.C.P.)J 455 (5,00,000)-11.2001) Spl-H.C.,A.S.,C.D.,78e

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
LETTERS PATENT APPEAL NO.54 OF 2006
IN
WRIT PETITION NO.873 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions and Registrar's order.	Court's or Judge's orders

Shri S.S.Rai for the appellants.

Shri K.P.Misra for the respondents.

CORAM: R.M.S.KHANDEPARKAR
&
SMT.R.S.DALVI, JJ

DATED: 28TH MARCH, 2006.

P.C.

1. Heard. There is absolutely no case for intereference in the impugned order considering the fact that the suit of the year 1989 is sought to be kept pending for one ground or the other. The only grievance which the appellants are seeking to make is regarding non availability of the original documents with them to be placed on record in the course of recording of the evidence before the trial Court, and on that count, seeks stay of the proceedings in the suit.

Undisputedly, the relevant documents are before the Registrar of Stamps pursuant to the order dated 21st October, 2004 passed by the City Civil Court, Mumbai, in the Notice of Motion No.3918 of 2004. Suffice to observe that the Registrar of Stamps is expected to dispose of the proceedings before him in relation to the documents in question within 30 days from the date of presentation of the copy of this order either by the appellants or by the respondents to the said office and till the expiry of such period of 30 days, the proceedings in the Civil Suit No.6864 of 1989 shall not be proceeded with. However, after expiry of the said period of 30 days, the Civil Civil Court is expected to proceed with the matter and shall dispose of the same as early as possible.

2. With the above observations, the Letters Patent Appeal is disposed of.

(R.M.S.KHANDEPARKAR, J)

(SMT.R.S.DALVI, J)